

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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S.L. and A.L., on behalf of A.L.,

Plaintiffs,

--against--

New York City Department of Education,

Defendant.

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ANSWER

07 CV 8786 (WHP)

Defendant New York City Department of Education, by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, as and for its Answer to the Complaint, respectfully alleges as follows:

1. Denies the allegations set forth in paragraph “1” of the Complaint, except admits that plaintiffs purport to proceed as set forth therein, and respectfully refers the Court to the statutory authority cited and referred to therein for a complete and accurate statement of its contents.
2. Denies the allegations set forth in paragraph “2” of the Complaint, except admits that plaintiffs purport to invoke the jurisdiction of the Court as alleged therein.
3. Denies the allegations set forth in paragraph “3” of the Complaint, except admits that plaintiffs purport to set forth a basis for venue as alleged therein and admits that defendant has offices located in this district.
4. Denies the allegations set forth in paragraph “4” of the Complaint.
5. Denies the allegations set forth in paragraph “5” of the Complaint, except admits, upon information and belief, that A.L. is the son of plaintiffs S.L. and A.L., and that A.L., and

denies knowledge or information sufficient to form a belief that “A.L. at all relevant time was a student within the NYCDOE service area.”

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “6” of the Complaint, except admits, upon information and belief, that plaintiffs S.L. and A.L. are parents of A.L.
7. Denies the allegations set forth in paragraph “7” of the Complaint, except admits that plaintiff purports to proceed as set forth therein.
8. Denies the allegations set forth in paragraph “8” of the Complaint.
9. Denies the allegations set forth in paragraph “9” of the Complaint, except admits that plaintiffs initiated an administrative due process proceeding against defendant in October of 2005, and respectfully refers the Court plaintiff’s due process demand for a complete and accurate statement of its contents.
10. Denies the allegations set forth in paragraph “10” of the Complaint, except admits, upon information and belief, that an impartial hearing was held over the course of the four days cited and that Gary Mayerson represented plaintiffs, and respectfully refers the Court to the judicial opinions cited therein for a complete and accurate statement of their contents and legal import.
11. Denies the allegations set forth in paragraph “11” of the Complaint, and respectfully refers the Court to the Impartial Hearing Officer’s Findings of Fact and Decision dated July 31, 2006 for a complete and accurate statement of its contents.
12. Denies the allegations set forth in paragraph “12” of the Complaint.
13. Denies the allegations set forth in paragraph “13” of the Complaint.

FIRST AFFIRMATIVE DEFENSE:

14. The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE:

15. At all times relevant to the acts alleged in the Complaint, the conduct of defendant was lawful.

THIRD AFFIRMATIVE DEFENSE:

16. Plaintiffs have failed to provide documentation and information sufficient to support an award of reasonable attorney's fees.

FOURTH AFFIRMATIVE DEFENSE:

17. Plaintiffs lack standing to assert the claims alleged in the Complaint.

WHEREFORE, defendant requests judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
February 4, 2008

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By: /S/
Abigail Goldenberg (AG 4378)
Assistant Corporation Counsel

To: Gary S. Mayerson, Esq., by ECF
Mayerson & Associates
Attorney for Plaintiffs